

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the San Luis Obispo County
Public Works Department for an order
authorizing construction of an at-grade
pedestrian crossing in San Miguel, California
crossing Union Pacific Railroad in the vicinity of
16th Street, County of San Luis Obispo.

Application 04-07-001
(Filed July 1, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PREHEARING CONFERENCE OCTOBER 21, 2004**

The San Luis Obispo County Public Works Department (San Luis Obispo) seeks authorization to install an at-grade pedestrian crossing of tracks of Union Pacific Railroad Company (Union Pacific) in the vicinity of 16th Street in San Miguel. The application has been protested by Union Pacific.

This ruling sets a Prehearing Conference for 1:30 p.m. Thursday, October 21, 2004, to discuss the status of settlement discussions, outstanding issues, dates for exchange of written testimony and dates of public hearing.

Parties are asked to be prepared to discuss the following matters, among others:

- Is community interest in the proposed crossing sufficient to schedule a Public Participation Hearing? When and where should such a hearing be conducted?
- What is the status of settlement discussions, if any?
- Should the parties request appointment of an Administrative Law Judge to conduct mediation?
- Have the parties conducted an on-site diagnostic meeting with Commission staff?

- Since the request is for a pedestrian crossing (as opposed to a vehicular crossing), why is a grade-separated crossing impractical?
- Please identify any material issues of fact that are in dispute.
- How many trains are expected to use the proposed new crossing and what are the speeds of the trains during such use?
- Is the application an outgrowth of any general plan for the area?
- Has the proposed crossing been the subject of public notice and hearings?
- What is the projected daily pedestrian traffic for the proposed crossing?
- How will the proposed crossing enhance public safety?
- How will applicant comply with safety requirements for the proposed crossing?
- How will the proposed crossing be financed?
- What is the status of applicant's environmental review of the proposed crossing, and does applicant intend to file a Notice of Exemption with the county and state?

If the Commission's Rail Crossing Engineering Section (Staff) does not intend to participate as a party in this proceeding, I ask that a Staff representative attend the Prehearing Conference in order to advise the Administrative Law Judge and the Commission.

IT IS RULED that a Prehearing Conference will be held at 1:30 p.m. Thursday, October 21, 2004, in the Commission hearing room, 505 Van Ness Avenue, San Francisco, California.

/s/ GLEN WALKER

Glen Walker
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference October 21, 2004 on all parties of record in this proceeding or their attorneys of record.

Dated September 22, 2004, at San Francisco, California.

TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.